IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3715 OF 2004
IN
CRIMINAL APPEAL NO.1039 OF 2004

The State of Maharashtra. ..Applicant.
Vs.
N.D. Bhopale and ors. ..Respondents.

Mr.A.S.Shitole, A.P.P. for the State.

CORAM : R.S. MOHITE,J.
DATED : 12/1/2006.

P.C.

1. This is an application for condonation of 23 days delay in filing the criminal appeal. From the record, it appears that the respondents have been served. None appears for the respondents. In the circumstances, for the reasons mentioned in the application, application is allowed.

CRIMINAL APPEAL NO.1039/2004

1. This is an appeal filed by the State impugning a judgment and order passed by the J.M.F.C. Panhala on 6.5.2004 acquitting the accused for offences punishable under Section 323,324, 504 read with 34 of the I.P.C. On perusing the impugned judgment and order, it is clear that cogent and acceptable reasons are given for the

acquittal of the accused. The incident of assault of three witnesses is said to have been taken place in presence of several independent witnesses who have not been examined. There is some discrepancy in the ocular evidence adduced by the prosecution witnesses. The court has observed that the relations between the complainant and the accused were strained and enmical. In my view not a fit case to interfere. Hence, leave refused. Consequently the appeal stands dismissed.

(R. S. MOHITE, J.)